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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-00006-01 SBA
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER TO VACATE STATUS
v.)	HEARING AND CONTINUE MATTER
)	FOR INITIAL APPEARANCE ON
TONY D. LOMBARDI,)	AMENDED FORM 12 TO OCTOBER 25,
)	2012
Defendant.)	

Defendant Tony D. Lombardi and the government, by and through undersigned counsel, jointly request that the Court vacate the status hearing presently set for October 17, 2012 and continue this matter to October 25, 2012 at 9:30 a.m. for an initial appearance on the Third Amended Form 12. In support of this request, the parties stipulate as follows:

1. The Third Amended Form 12 in this case was signed and filed last Thursday, October 11, 2012.
2. The matter is presently set for a revocation of supervised release hearing before the Honorable Bernard Zimmerman on October 17, 2012 at 10:00 a.m. This hearing was set before the Third Amended Form 12 was filed and without the benefit of input from the defendant's counsel of record. Moreover, Magistrate Judge Zimmerman set the date as a "control" date,

1 anticipating the likelihood that further charges would be filed and allowing that the parties could
2 stipulate to a new date before an Oakland magistrate judge.

3 3. Due to other commitments, defense counsel is not available on October 17, 2012.

4 4. The parties have confirmed the assigned probation officer's availability for the
5 proposed date.

6 For the reasons stated above, the parties respectfully request that the status hearing
7 presently set for October 17, 2012 be vacated and that this matter be continued to a hearing
8 before the Honorable Kandis A. Westmore on October 25, 2012 at 9:30 a.m. for the defendant's
9 initial appearance on the Third Amended Form 12.

10 **So stipulated.**

11
12 DATED: October 16
13 , 2012

14 /s/
15 SETH P. CHAZIN, Esq.
Attorney for Defendant Lombardi

16
17 MELINDA HAAG
United States Attorney

18 /s/
19 ANDREW S. HUANG
Assistant United States Attorney

[PROPOSED] ORDER

FOR GOOD CAUSE SHOWN, IT IS FOUND AND ORDERED THAT:

1. The currently scheduled status hearing on October 17, 2012 is VACATED.

2. This matter is SET for defendant's initial appearance on the Third Amended Form 12
before this Court on October 25, 2012 at 9:30 a.m.

DATED: 10/16/12


Hon. KANDIS WESTMORE
United States Magistrate Judge